

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Nov 02 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America

v.

OMAR POPE

Case No. 3-20-71573 MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 19, 2020 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. 751(a)

Offense Description

Escape

Maximum Penalties: 5 years' imprisonment, 3 years' supervised release,
forfeiture, \$250,000 fine, \$100 special assessment

This criminal complaint is based on these facts:

See attached Affidavit.

☐ Continued on the attached sheet.Approved as to form /s/ Yoosun Koh
AUSA Yoosun Koh

Sworn to before me by telephone.

Date: 11/02/2020City and state: San Francisco, CA/s/ Tyson Polski*Complainant's signature*

Tyson Polski, Deputy U.S. Marshal

*Printed name and title**Judge's signature*

Hon. Laurel Beeler, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR CRIMINAL COMPLAINT

I, Tyson Polski, Deputy of the United States Marshals Service, being sworn, hereby declare as follow:

INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a criminal complaint against Omar Pope (hereafter “POPE”) for escape, in violation of Title 18 U.S.C. §§ 751(a) and 4082(a). The facts set forth in this affidavit are based on my review of written reports and materials, my personal observations, my training and experience, and information from other law enforcement officials. However, these facts are not all of the facts related to this investigation that I know. I have set forth those facts that I believe are sufficient to establish probable cause that POPE committed the aforementioned offense.

AGENT’S BACKGROUND

2. I am a commissioned federal law enforcement officer of the United States Marshals Service (“USMS”), within the meaning of 28 U.S.C. § 2501(7), and I am authorized by law to carry firearms, execute warrants, conduct investigations, and to make arrests for offenses against the United States of America. I am a Criminal Investigator/Deputy U.S. Marshal of the USMS and have been since June 30, 2014. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia. As part of my training to become a Criminal Investigator/Deputy U.S. Marshal, I received approximately 19 weeks of instruction at the Federal Law Enforcement Training Center. As part of that training, I received hundreds of hours of generalized and formalized instruction on conducting fugitive investigations, including training on the determination of whether or not the conduct of any given federal inmate would constitute a violation of the terms and conditions of custody and/or release ordered by a federal judge. During the course of my service as a Deputy U.S. Marshal, I have developed experience, among other things, in utilizing various law enforcement databases and resources to find and apprehend fugitives as well as individuals for whom an arrest warrant has been issued by a federal judge. While serving as a Criminal Investigator or Deputy U.S. Marshal, among other

things, I have participated in fugitive investigations, including investigations relating to individuals who have absconded from federal custody or otherwise failed to comply with the terms and conditions of custody and/or release ordered by a federal judge. In addition, I have received further training in Federal and California laws and investigative techniques relating to, fugitive investigations, electronic and physical surveillance, obtaining federal and state search warrants, and interviewing/interrogation techniques.

APPLICABLE LAW

3. Title 18, United States Code, Section 751(a) provides, in relevant part, that whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both.

4. Title 18, United States Code, Section 4082(a) provides that the willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in chapter 35 of Title 18. Section 4083(c) further provides that the term “facility” as used in Section 4082 shall include a residential community treatment center.

FACTS SUPPORTING PROBABLE CAUSE

5. On June 13, 2018, in the U.S. District Court for the Northern District of California, POPE was convicted on one count of violating 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm in United States v. Pope, CR 17-00071-001 WHA. He was sentenced to 41 months’ imprisonment and three years of supervised release. On June 13, 2017 Pope was also found to have violated his conditions of supervised release in cases United States v. Pope, CR

15-00095-001 WHA (Escape) and United States v. Pope, CR 08-00568-001 (Felon in Possession). He was sentenced to 12 months' imprisonment for each supervised release violation, to be served concurrently, and consecutive to the 41 month's imprisonment sentence in CR 17-00071-001 for a total of 53 months imprisonment in the custody of the United States Bureau of Prisons.

6. On June 16, 2020, the Bureau of Prisons transferred POPE from Federal Correctional Institute ("FCI") Herlong to the GEO Care-Cornell Companies Inc., Residential Reentry Center located at 111 Taylor Street, San Francisco, CA 94102 ("RRC"), in the Northern District of California.

7. While housed at the RRC, POPE remained in the custody of the Bureau of Prisons and the Attorney General. POPE was given an anticipated projected release date of November 13, 2020.

8. POPE acknowledged when he was transferred to the RRC that he was still in the custody of the Attorney General and that he would abide by the rules and regulations of the RRC, which included requiring permission to leave the facility, returning on time, and remain in contact at all times if not in the facility. He signed a form acknowledging receipt of the rules and regulations.

9. On September 19, 2020 at approximately 4:39 PM, POPE walked out of the RRC without authorization. Immediately prior to this, POPE returned to the RRC after finishing work and he was searched at the entrance by an RRC staff member in accordance with RRC policy. During the search, the staff member discovered a Ziploc bag full of a green leafy substance, which dropped from POPE's body. POPE grabbed the Ziploc bag to disperse the contents of the bag onto the floor while running around the facility. He eventually stopped and dropped the Ziploc bag, which still contained some of the leafy substance, into a trash can. Pope then retrieved his belongings and walked out of the RRC without permission. POPE was placed on escape status by the duty officer. The Bureau of Prisoners issued a Notice of Escaped Federal Prisoner on the same day. POPE never returned to the RRC and he has not yet been

apprehended.

10. Video surveillance footage captured POPE entering the RRC after finishing work and walking out of the facility without permission. Two still shots from the footage are shown below. POPE is pictured wearing a vest with two yellow stripes in both images.



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CONCLUSION

11. For the reasons stated above, I respectfully submit that there is probable cause to believe that, on or about September 19, 2020, in the Northern District of California, POPE, who was in the custody of the Bureau of Prisons and the United States Attorney General, where he was serving his sentence for a felony conviction, escaped in violation of 18 U.S.C. § § 751(a) and 4082(a). I respectfully request that the Court issue the requested criminal complaint and arrest warrant.

/s

Tyson Polski
Deputy United States Marshal

Sworn to before me on the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d) of this 2nd day of November. This application and warrant are to be filed under seal.



HONORABLE LAUREL BEELER
U.S. MAGISTRATE JUDGE